

Environmental Protection Agency

§ 1048.225

(b) You may consider full compliance with published guidance to be preliminary approval only if the guidance includes a statement that we intend you to consider it as such.

§ 1048.215 What happens after I complete my application?

(a) If any of the information in your application changes after you submit it, amend it as described in § 1048.225.

(b) We may deny your application (that is, determine that we cannot approve it without revision) if the engine family does not meet the requirements of this part or the Act. For example:

(1) If you inappropriately use the provisions of § 1048.230(c) or (d) to define a broader or narrower engine family, we will require you to redefine your engine family.

(2) If we determine you did not appropriately select the useful life under § 1048.101(g), we will require you to lengthen it.

(3) If we determine you did not appropriately select deterioration factors under § 1048.240(c), we will require you to revise them.

(4) If your diagnostic system is inadequate for detecting significant malfunctions in emission-control systems, as described in § 1048.110(b), we will require you to make the system more effective.

(5) If your diagnostic system inappropriately disregards trouble codes under certain conditions, as described in § 1048.110(f), we will require you to change the system to operate under broader conditions.

(6) If your proposed emission control information label is inconsistent with § 1048.135, we will require you to change it (and tell you how, if possible).

(7) If you require or recommend maintenance and use instructions inconsistent with § 1048.125, we will require you to change them.

(8) If we find any other problem with your application, we will tell you what the problem is and what needs to be corrected.

(c) If we determine your application is complete and shows that the engine family meets all the requirements of this part and the Act, we will issue a certificate of conformity for your engine family for that model year. If we

deny the application, we will explain why in writing. You may then ask us to hold a hearing to reconsider our decision (see § 1048.820).

§ 1048.220 How do I amend the maintenance instructions in my application?

Send the Designated Officer a request to amend your application for certification for an engine family if you want to change the emission-related maintenance instructions in a way that could affect emissions. In your request, describe the proposed changes to the maintenance instructions.

(a) If you are decreasing the specified level of maintenance, you may distribute the new maintenance instructions to your customers 30 days after we receive your request, unless we disapprove your request. We may approve a shorter time or waive this requirement.

(b) If your requested change would not decrease the specified level of maintenance, you may distribute the new maintenance instructions anytime after you send your request.

(c) If you are correcting or clarifying your maintenance instructions or if you are changing instructions for maintenance unrelated to emission controls, the requirements of this section do not apply.

§ 1048.225 How do I amend my application to include new or modified engines?

(a) You must amend your application for certification before you take either of the following actions:

(1) Add an engine to a certificate of conformity (this includes any changes you make in selecting emission standards under § 1048.205(m)(1)).

(2) Make a design change for a certified engine family that may affect emissions or an emission-related part over the engine's lifetime.

(b) Send the Designated Officer a request to amend the application for certification for an engine family. In your request, do all of the following:

(1) Describe the engine model or configuration you are adding or changing.

(2) Include engineering evaluations or reasons why the original test engine is or is not still appropriate.

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(3) If the original test engine for the engine family is not appropriate to show compliance for the new or modified nonroad engine, include new test data showing that the new or modified nonroad engine meets the requirements of this part.

(c) You may start producing the new or modified nonroad engine anytime after you send us your request. If we determine that the affected engines do not meet applicable requirements, we will require you to cease production of the engines and to recall and correct the engines at no expense to the owner. If you choose to produce engines under this paragraph (c), we will consider that to be consent to recall all engines that we determine do not meet applicable standards or other requirements and to remedy the nonconformity at no expense to the owner.

(d) You must give us test data within 30 days if we ask for more testing, or stop producing the engine if you cannot do this. You may give us an engineering evaluation instead of test data if we agree that you can address our questions without test data.

(e) If we determine that the certificate of conformity would not cover your new or modified nonroad engine, we will send you a written explanation of our decision. In this case, you may no longer produce these engines, though you may ask for a hearing for us to reconsider our decision (see § 1048.820).

§ 1048.230 How do I select engine families?

(a) Divide your product line into families of engines that you expect to have similar emission characteristics. Your engine family is limited to a single model year.

(b) Group engines in the same engine family if they are the same in all of the following aspects:

- (1) The combustion cycle.
- (2) The cooling system (water-cooled vs. air-cooled).
- (3) Configuration of the fuel system (for example, fuel injection vs. carburetion).
- (4) Method of air aspiration.
- (5) The number, location, volume, and composition of catalytic converters.

(6) The number, arrangement, and approximate bore diameter of cylinders.

(7) Evaporative emission controls.

(c) In some cases you may subdivide a group of engines that is identical under paragraph (b) of this section into different engine families. To do so, you must show you expect emission characteristics to be different during the useful life or that any of the following engine characteristics are different:

(1) Method of actuating intake and exhaust timing (poppet valve, reed valve, rotary valve, etc.).

(2) Location or size of intake and exhaust valves or ports.

(3) Configuration of the combustion chamber.

(4) Cylinder stroke.

(5) Exhaust system.

(6) Type of fuel.

(d) If your engines are not identical with respect to the things listed in paragraph (b) of this section, but you show that their emission characteristics during the useful life will be similar, we may approve grouping them in the same engine family.

(e) If you cannot appropriately define engine families by the method in this section, we will define them based on features related to emission characteristics.

(f) You may ask us to create separate families for exhaust emissions and evaporative emissions. If we do this, list both families on the emission control information label.

(g) Where necessary, you may divide an engine family into sub-families to meet different emission standards, as specified in § 1048.101(a)(2). For issues related to compliance and prohibited actions, we will generally apply decisions to the whole engine family. For engine labels and other administrative provisions, we may approve your request for separate treatment of sub-families.

§ 1048.235 What emission testing must I perform for my application for a certificate of conformity?

This section describes the emission testing you must perform to show compliance with the emission standards in §§ 1048.101(a) and (b) and 1048.105 during certification. See § 1048.205(s) regarding